

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Stanley Johnson, #277555,)	
)	
Plaintiff,)	
)	Civil Action No.: 6:07-1852-TLW-WMC
vs.)	
)	
Sgt. Grant, Sergeant at Perry Correctional)	
Institution; and NGN Harouff, Sergeant at)	
Perry Correctional Institution,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff, Stanley Johnson, (“plaintiff”) brought this civil rights action under 42 U.S.C. § 1983. (Doc. #1). The plaintiff filed a motion to dismiss his petition without prejudice. (Doc. #36). The defendants filed a response stating that they did not object to the motion. (Doc. #37).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge William M. Catoe, to whom this case had previously been assigned. (Doc. #39). In the Report, Magistrate Judge Catoe recommends that the District Court grant plaintiff’s motion to dismiss the action without prejudice. (Doc. #39). No objections have been filed by either party.

In conducting review the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and

Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the Wallace standard, the Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #39), thus, the plaintiff's motion to dismiss without prejudice is **GRANTED** (Doc. #36).¹

IT IS SO ORDERED.

S/Terry L. Wooten
Terry L. Wooten
United States District Judge

July 25, 2008
Florence, South Carolina

¹All other outstanding motions are hereby rendered **MOOT**.